

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
IBP, Inc.)	NOTICE OF VIOLATION
Joslin, Illinois)	
)	EPA-05-01-02
Proceedings Pursuant to)	
Section 113(a) (1) of the)	
Clean Air Act,)	
42 U.S.C. § 7413(a) (1))	
_____)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (Act). U.S. EPA finds that IBP, Inc. (IBP) is violating the Illinois State Implementation Plan (SIP) rules at 40 C.F.R. § 52.21 which govern the prevention of significant deterioration (PSD) of air quality.

Statutory and Regulatory Background

Prevention of Significant Deterioration

1. On June 19, 1978, U.S. EPA promulgated the prevention of significant deterioration of air quality standards pursuant to Subtitle I, Part C of the Act. These regulations are codified at 40 C.F.R. § 52.21 (43 Fed. Reg. 26403).
2. On April 7, 1980, U.S. EPA delegated to the Illinois Environmental Protection Agency (IEPA) authority to review and process PSD permit applications and to implement the PSD program. 46 Fed. Reg. 9584.
3. On August 7, 1980, U.S. EPA incorporated the provisions of 40 C.F.R. § 52.21(b) through (w) into the Illinois SIP. 45 Fed. Reg. 52741, as amended at 46 Fed. Reg. 9584, codified at 40 C.F.R. § 52.738.
4. 40 C.F.R. § 52.21(b)(1)(i)(b) defines a "major stationary source" as any source which emits or has the potential to emit 250 tons per year or more of any pollutant subject to the regulation under the Act.

5. 40 C.F.R. § 52.21(b)(2)(i) defines a "major modification" as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to the regulations under the Act.
6. 40 C.F.R. § 52.21(b)(23)(i) defines "significant" net emissions increase for hydrogen sulfide H_2S as a rate of emissions which would equal or exceed 10 tons per year of H_2S .
7. 40 C.F.R. § 52.21(i)(1) prohibits the actual construction of a major stationary source or major modification without a permit which states that the major stationary source or modification would meet the requirements of 40 C.F.R. § 52.21 (j) through (r).
8. 40 C.F.R. § 52.21(j) provides that for each pollutant subject to regulation under the Act for which a major modification would result in a significant net emissions increase at the source, the owner or operator of the major modification shall apply Best Available Control Technology (BACT) to each proposed emissions unit at which the increase would occur as the result of physical changes and changes in the methods of operation of the unit.
9. 40 C.F.R. § 52.21(r) states that any owner or operator of a source subject to PSD regulations who operates a source or modification without applying for and receiving approval under the PSD regulations is subject to enforcement action.

Factual Background

10. IBP's Joslin facility includes the following processes and activities: a slaughterhouse, tannery, hide plant, rendering plant, cold storage warehouse, its own wastewater treatment facility, and four boilers. Pursuant to 40 C.F.R. § 52.21(b)(5) and (6), all of these processes and activities constitute a single stationary source.
11. IBP is a major source which emits or has the potential to emit 250 tons per year or more for any pollutant subject to regulation under the Clean Air Act (40 CFR 52.21(b)). When physical changes are made in the

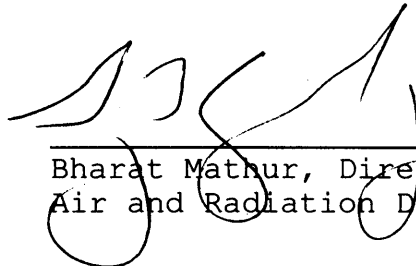
method of operation of a major stationary source that would result in a significant net emission increase of any pollutant, the source becomes subject to PSD review.

12. The construction of a tannery in 1987 caused an increase in loading to the uncovered lagoons of the Waste Water Treatment Facility, resulted in an increase in H₂S emissions of greater than the ten tons per year. Modifications resulting in H₂S emission increases of greater than 10 tpy are subject to PSD review. No PSD permit was obtained by IBP for this modification.

Finding of Violation

13. IBP commenced operating the tannery prior to obtaining a PSD permit in accordance with the Act, violating the Illinois SIP rule, 40 C.F.R. § 52.21(i).
14. IBP failed to employ BACT for H₂S emissions initiated by the tannery, violating the Illinois SIP rule, 40 C.F.R. § 52.21(j)(3).

12/5/00
Date


ALFING
Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Notice of Violation, No EPA-5-01-02-IL, was sent by Certified Mail, Return Receipt Requested, to:


Mr. Daimon Condiff,
Plant Manager
IBP Inc.
Highway 92
Joslin, Illinois 61254

I also certify that a copy of the Notice of Violation was sent by first class mail to:

Julie Armitage, Acting Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Richard Jennings, Regional Manager
Region II
Illinois Environmental Protection Agency
5415 North University Avenue
Peoria, Illinois 61614

on the 5th day of December 2000.


Betty Williams, Secretary
AECAS (IL/IN)

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CERTIFIED MAIL RECEIPT NUMBER